House bill Nos. 33, 238 and Senate bill fix times for holding courts therein, No. 5.

SAM H. DIXON,

Chief Clerk House of Representatives. The following privileged report was handed in:

> COMMITTEE ROOM, Austin, April 7, 1891.

Hon George C. Pendleton, President of the Senate:

Sir — Your committee on Enrolled Bills have carefully examined and

compared

Senate bill No. 92, being "An act to amthorize towns and villages incorporated for free school purposes only, to levy taxes and issue bonds for free school purposes"

And find the same correctly enrolled and have this day, at 3.10 p. m., presented the same to the Governor for

his signature.

SEALE,

Acting Chairman. By consent Senator Potter presented the following report:

> COMMITTEE ROOM, Austin, April 7, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Incorporated Cities and Towns, to whom was re-

Senate bill No. 384, being "A bill to be entitled an act to amend article 421. title 17, chapter 4, of the revised civil statutes, as amended by the Twenty-first Legislature, approved April 3, 1889,"

Have had the same under conideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

Potter, Chairman.

[President pro tem. Cranford in the chair.]

On the question, shall this bill pass to a third reading, after debate

The following vote was taken:

YEAS-12. Burney. Glasscoc , Mott. Clemens. Johnson, Sims. Cranford Lubbock. Stephens,

Maetze, Garwood. Townsend. NAYS-8. Kearby, Carter. Potter, Frank. Kimbrough. Seale, Ingram.

Page, No quorum voting the bill was not

passed to third reading.

House bill No. 634, entitled "An act to amend an act entitled an act to amend section 26, chapter 20 of the extra session of the Eighteenth Legislature, approved February 6, 1884, being an act to redistrict the State of Texas into judicial districts, and to

and to provide for the election of judges and district attorneys in said districts, approved March 5, 1889, and to create the Fifty-third judicial district and to fix the time of holding court therein, and to provide for the appointment of a district judge for said Fifty third district.'

Read first time and referred to com-

mittee on Judicial Districts.

Senator Kimbrough moved to adjourn to 10 a m. tomorrow.

Adopted by the following vote:

YEAS-16. Ingram, Johnson. Burney, Mott. Carter, Beale. Clemens, Kearby, Sims. Kimbrough. Cranford. Townsend, Garwood, Maetze, Whatley. Glasscock.

NAYS-5. Frank, Page. Potter. Lubbock,

SEVENTY-FIRST DAY

Sterbens.

SENATE CHAMBER, TWENTY-SECOND LEGISLATURE, Austin, April 8, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT-26. Atlee, Glasscock. Mott, Page, Potter, Burney, Harrison. Carter, Ingram. Clark. Johnson. Seale, Clemens, Kearby, Crane, Kimbrough, Stephens, Cranford Lubbock, Townsend. Whatley. Meatze. Frank. Garwood, McKinney,

ABSENT-3. Pope,

Finch. Simkins.

Prayer by the chaplain, Dr. Smoot. Pending the reading of the journal on motion of Senator Burney the further reading of the same was postponed till tomorrow morning

On motion of Senator Frank Senator Finch was excused for today on account of sickness.

On motion of Senator Carter Senator Pope was excused for today on account

of sickness. On motion of Senator Kimbrough the secretrry Mr. Kennedy was excused for yesterday on account of important

business. On motion of Senator Glasscock

Senator Weisiger was excused for yesterday afternoon on account of sickness

The following committee report was

presented:

COMMITTEE ROOM. Austin, April 8, 1891.

Hon. Geo. C. Pendleton, President of

the Senate:

Sir—Your committee on Incorporated Cities and Towns to whom was referred

Senate bill No. 383, being "A bill to be entitled an act to establish the boundaries of the city of Vernon,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman. HOUSE OF REPRESENTATIVES, TWENTY-SECOND LEGISLATURE, Austin, Texas, April 8, 1891.

The following message was received from the House:

Hon. Geo. C. Pendleton, President of

the Senate:

Sir—I am directed to inform the Senate that the House has passed

House bill No. 90, being "An act to amend article 528, chapter 7, title 15, of the Penal Code of the State of Texas, as amended by act of the Twentieth Legislature," approved 25, 1887.

Senate bill No. 367, "An act to amend chapter 2, title 11 of the revised civil statutes of the state of Texas relating to county attorneys by adding thereto article 245a."

Ayes 69. nays 14.

House bill No. 538, being "An act to provide for the issuance and delivery of patents to land when the legal fee has been once deposited, though since lost by defalcation.'

Ayes 75, nays 6.

Respectfully,

SAM H. DIXON,

Chief Clerk House of Representatives. BILLS AND RESOLUTIONS.

By Senator Cranford:

A bill to be entitled "An act to amend section 9, of an act entitled an act to provide for the purchase of a site, and the establishment, location, construction and maintenance of a state orphan asylum, passed at the regular session of the Twentieth Legislature, and approved April 4, 1887,

Read first time and referred to com-

mittee on Finance.

Senator Maetze asked and obtained unanimous consent to postpone pending business, suspend the rule and take up out of its regular order, rules

House bill No. 591, entitled "An act to amend section 23, of an act entitled an act to redistrict the state into judicial districts, and fix the times for holding courts therein, and to provide for the election of judges and district attorneys in said districts at the next general election to be held on the first Tuesday after the first Monday in November, 1884, approved April 9, 1883,"

Bill read second time with a favorable committee report and passed to

a third reading.

Senator Maetze moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.
Adopted by the following vote:

Mott.

YEAS-23. Harrison, Page, Potter, Ingram, Johnsou, Seale. Sims, Simkins, Kearby, Kimbrough, Crane, Cranford. Lubbock. Stephens, Maetze, Townsend, McKinney. Weisiger.

Frank, Garwood, Glasscock,

Atlee,

Burnéy,

Carter,

Clemens,

Clark,

NAYS-None.

Whatley.

The bill was read third time and passed.

Senator Glasscock moved to postpone pending business, and take up out of

its regular order,

Substitute Senate bill No. 199, entitled "An act to amend article 1139, chapter 1, title 28, of the Revised Civil Statutes."

Adopted and bill read second time with a favorable committee report.

The committee substitute adopted.

Senator Glasscock offered the fol-

lowing amendment:

The near approach of the adjournment of the present session of the legislature creates an emergency and imperative public necessity requiring the constitutional rule for bills to be read on three several days to be suspended and said constitutional rule is hereby suspended and this act shall take effect and be in force immediately from and after its passage and it is so enacted.

Adopted.

The bill was ordered engrossed.

Senator Glasscock moved to suspend rule requiring constitutional bills to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote: YEAS-26.

Harrison, Page, Potter, Atlee, Ingram. Johnson. Carter, Simkins, Clark,

Sims. Clemens. Kearby. Kimbrough. Stephens Crane, Townsend. Cranford. Lubbock. Frank, Mactze. Weisiger. Whatley. Garwood, McKinney, Mott. Glasscock.

NATS-None.

Bill read third time and passed by the following vote:

TRAS-21. Mott. Garwood, Atlee. Carter, Glasscock. Potter. Simkins, Clark Ingram. Šims, Johnson Clemens. Stephens. Weisiger. Craue. Kearby. 'ranford, Maetze, Whatley. McKinney, Frank.

Townsend.

Senator Cranford moved to postpone pending business, suspend the rules. and take up out of its regular order

NAYS-1.

Substitute House bill No. 79, entitled "An act to amend articles 1228, 1229 and 1280 of the revised civil statutes of the State of Texas.'

Adopted.

Bill read second time with favorable committee report.

Senator Carter offered the follow-

ing amendment:

Amend the bill by adding to the first section(and article 1280)the follow-

ing:

Provided that in counties where the term lasts longer than four weeks the plaintiff shall be entitled to judgment by default where no answer shall be filed after the citation has been served during the term for twenty days, and if answer shall be filed within twenty days in such cases then the case shall stand for trial during said term, as if the citation had been served for ten days before appearance day as in ordinary cases.

Senator Cranford offered the following amendment to the amendment, which was accepted by Senator Car-

"Amend the amendment by striking out "four" and inserting "eight" so as to make the amendment read eight weeks instead of four weeks.

The chair gave notice of the signing and signed in the presence of the Senate after their titles had been read:

Substitute Senate bill No. 147, entitled "An act to amend article 1054, chapter 2, title 15 of the code of criminal procedure as amended by an act of the Twenty-first Legislature, approved April 4, 1889.

 \mathbf{Also} ,

Senate bill No. 316, entitled "An act to amend an act entitled an act to amend article 425c, chapter 55, of the revised civil statutes of the state of the following vote:

Texas, as passed by the Twentieth Legislature of the State of Texas, by an act approved March 23rd, 1887, to authorize cities and towns to levy and collect taxes for the construction of public buildings, water works, sewers, improvements of roads and bridges, streets and other permanent improvements, to issue bonds therefor and repeal all laws in conflict therewith and declaring an emergency.

The amendment, of Senator Carter to the pending bill, as amended, was

adopted.

Senator Frank moved to reconsider the vote adopting the amendment:

Lost by the following vote:

	YEAS-6.	
Frank,	Glasscock.	Potter,
Garwood,	Kearby,	Seale.
	NATS-10	3.
Burney,	Johnson,	Mott,
Carter,	Kimbrough,	Page,
Clark,	Lubbock,	Simkins,
Clemens,	Maetze,	Sims,
Cranford,	McKinney,	Whatley.
Ingran	• ,	•

Senator Kearby offered the following amendment:

Amend by adding the following: Provided, That the provisions of this act shall only apply to counties where the term of court is not more than two weeks.

Lost.

The bill was passed to a third reading by the following vote:

	YEAS1	7.
Burney,	Johnson,	Simkins,
Carter,	Kimbrough,	Sims,
Clark,	Lubbock,	Stephens,
Clemens,	Maetze,	Townsend.
Cranford,	McKinney,	Whatley.
Ingiam.	Page,	
	NAYS-9.	
Atlen,	Garwood,	Mott,
Crane	Glasscock,	Potter,
Frank,	Kearby,	Seale.

Senator Cranford moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS-24. Glasscock,

Atlee. Mott, Harrison, Page, Burney, Potter, Carter, Ingram, Clark Johnson. Simkins, Kimbrough, Clemens. Sims. Stephens Lubbock. Crane. Cranford, Maetze, McKinrey, Whatley, Garwood, NAYS-2. Kearby Seale

Bill read third time and passed.

Senator Cranford moved to reconsider the vote passing the bill and to lay that motion on the table.

The motion to table prevailed by

YEAS-17.

Burney. Carter, Clark. Clemens. Cranford, Ingram,

Johnson. Kimbrough, Lubbock, Maetze, McKinney,

Simpkins, Sima Stephens. Townsend, Whatley.

Page, NAYS-9.

Atlee, Crane, Frank. Garwood, Mott, Glasscock, Potter. Seale, Kearby,

Senator Carter moved to postpone pending business and take up out of

its regular order

Senate bill No. 261, entitled "An act to amend article 704, revised statutes of Texas so as to authorize the holding of the terms of the district, county or commissioners courts at other than the court house when repairing, etc., of the court house is being done.

Adopted.

Bill read second time with the following amendment:

Amend section 1, lines — and — so

as to read "at the county site."

Senator Glasscock offered the following substitute for the committee amendment:

Amend article 704 by adding thereto the following: "Provided said courts shall be held at some place in the county seat of the county."

Adopted.

The committee amendment as substituted was adopted.

The bill was ordered engrossed.

Senator Carter moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS-22.

Atlee. Burney, Carter, Clark. Clemens. Crane, Cranford.

Frank.

Garwood. Glasscock, Johnson, Kearby, Kimbrough, Maetze, McKinney

Mott. Potter, /Simkins, Sims. Stephens. Townsend, Whatley.

NAYS-None.

Bill read third time and passed by thefo llowing vote:

YEAS-21.

Atlee, Burney. Carter. Clark. Clemens. Crane, Cranford,

Frank. Garwood, Glasscock, Ingram, Johnson, Kearby,

Maetze, McKinney, Mott, Potter Simkins. Sims. Stephens,

Kimbrough, NAYS-1.

Townsend. By consent Senator Kimbrough in-

troduced the following bill:

A bill to be entitled An act to amend section 120 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161 of an act entitled

"An act to incorporate the city of Dallas and to grant it a new charter," approved March 13, 1889, as amended by the Twenty-second Legislature.

Read first time and referred to com mittee on Incorporated Cities and

Towns.

Senator Stephens moved to postpone pending business, suspend the rule and take up out of its regular

Senate bill No. 383, entitled "An act to establish the boundaries of the city

of Vernon."

Adopted and bill read second time with a favorable committee report,

(Senator Frank in the chair.) The bill was ordered engrossed.

Senator Stephens moved to suspend the constitutional rule requiring a bill to be read on three several days, and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS-23.

Glasscock, Ingram, Kearby, Kimbrough; Maetze, McKinney, Mott, Page.

Potter. Seale, Simkins, Sims, Step ens, Townsend, Whatley.

NAYS--1.

Johnson.

Frank, Garwood,

Atlee, Burney,

Clemens.

Clark,

Crane, Cranford.

Bill read third time.

Senator Stephens offered the follow-

ing amendment:

Sec. 2. The near approach of the end of the session, the great number of bills requiring attention, and the importance to the city of Vernon that its boundaries be defined, creates an emergency and an imperative public necessity exists for the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted.

Adopted unanimously.

The bill was lost by the following vote:

YEAS-9. Maetze,

Page. Potter, NAYS- Simkins. Sima Stephens.

Atlee. Clark. Crane, Cranford, Frank,

Burney,

Clemens

Kimbrough,

Garwood, Glasscock, Ingram, Johnson. Kearby,

McKinney, Mott. Seale, Townsend. Whatley,

REGULAR ORDER

Substitute House bill Nos. 16 and 109, entitled "An act to amend ar 4273 of the revised civil statutes of state of Texas, as amended by an approved April 8, 1889," on third reading.

Senator Mott moved to reconsider the vote adopting the amendment of Senator Townsend to the committee Hop. Geo. C. Pendleton, President of amendment.

Adopted.

Senator Crane moved to reconsider the vote by which the Senate refused to pass Senate bill No. 383, and asked to have that motion spread upon the

Senator Mott offered the following amendment to Substitute House bill Nos. 16 and 109: Provided, That this act shall not apply to any railroad or branch railroad chartered under any special law, and shall apply only to railroads or branch railroads projected by amended charter under the general laws.

Adopted.

The committee report as substituted was adopted.

(The President in the chair.)

The Chair gave notice of signing, and signed in presence of the Senate,

after its title had been read, Senate bill No. 2, entitled "An act to empower the State Board of Education to procure for use in the public free schools in the State of Texas a series of text books, defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act, and declaring an emergency.

The pending bill failed in its passage to a third reading by the following

vote:

YEAS-12. Atlee, Garwood, Mott, Johnson, Bur ey. Sims, Clemens Lubbock. Stephens, Cranford, Maetze, Townsend. NAYS-14.

Carter, Clark. Crane Frank. Glasscock, lngram, Kearby. Kimbrough. McKinney, Page,

Potter, Seale. Simking Whatley.

The following privileged reports were presented:

> COMMITTEE ROOM, Austin, April 8, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 199, being "An act to amend article 1139, chapter 1, title 28, of the revised civil statutes,"

And find the same correctly engrossed.

CARTER, Chairman.

COMMITTEE ROOM, Austin, April 7, 1891.

the Senate:

Sir—Your Committee on Engrossed bills have carefully examined and compared

Substitute Senate bill No. 6, being "An act to amend article 183, chapter 2, title 9, of the revised civil statutes of the State of Texas, providing for garnishments on debts not due.

And find the same correctly en-

grossed.

CARTER, Chairman.

By consent Senator Potter presented the following report:

> COMMITTEE ROOM, Austin, April 8, 1891.

Hon. George C. Pendleton, President of the Senate.

Sir— Your committee on Towns. Cities and Corporations, to whom was referred

Senate bill No. 386, being a bill to be entitled "An act to be entitled an act to amend section 120 of an act entitled an act to amend sections 10, 21, 28, 94, 120, 140, 158 and 161 of an act entitled an act to incorporate the city of Dallas and to grant it a new charter," approved March 13, 1889, and amended by the Twenty-second Legislature.

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

POTTER, Chairman. Senator Clemens moved to postpone pending business, suspend the rule and take up out of its regular order Senate bill No. 382, entitled An act for the better preservation of land titles.

Senator Carter moved to reconsider the vote by which the senate refused to pass Substitute House bill Nos. 16 and 109 to a third reading and asked to have that motion spread upon the journal.

The motion of Senator Clemens prevailed, and bill read second time with a favorable committee report.

The bill was ordered engrossed.

Senator Clemens moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS-24. Atlee, Classcock, Mott. Burney, Page, Ingram. Potter. Johnson, Carter. Clark, Simkins, Kearby, Sims, Stephens, Olemens, Kimbrough, Crane, Lubbock,

Cranford. Maetze. Townsend. McKinney Whatley. Frank, NAYS-None.

Bill read third time and passed by

the following vote:

YEAS-20. Glasscock, Atlee, Potter, Burney, Ingram, Simkins, Johnson Sims. Carter Clemens. Kimbrou zh, Stephens. Crane, Maetze, Townsend, Cranford, McKinney, Whatley. Frank. Mott,

NAYS-4. Clark, Kearby. Page, Lubbock.

Senator Potter moved to postpone pending business, suspend the rule, and take up out of its regular order

Senate bill No. 379, entitled "An act to authorize cities and towns to invest their sinking fund in interest-paying securities and providing for the manner of such investment.

Adopted.

Bill read second time with favorable committee report.

Senator Potter offered as a substi-

tute for this bill,

Senate bill No. 384, entitled "An act to amend article 421, title 17, chapter 4 of the revised civil statutes as amended by the Twenty first Legislature, approved April 3, 1889."

The substitute was adopted. The bill was ordered engrossed.

Senator Potter moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill be passed to a tnird reading and final passage.

Adopted by the following vote:

YEAS-23. Ingram, Potter, Atlee. Burney, Johnson, Simkins, Clark, Kearby. Kimbrough. Sims. Clemens. Stephens. Crane, Cranford, Lubbock, Townsend. Maetze. Weisiger, Garwood, McKinney, Whatley. Glasscock, Mott,

NAYS-1. Carter

Bill read third time and lost by the following vote:

YEAS-11. Glasscock, Atlee, Simkins, Lubbock. Burney Sims, Maetze, Stephens, Clemens Potter. Frank. NAYS-14. Johnson, Clark, Seale, Kearby, Townsend, Crane, Weisiger. Cranford, Kimbrough, Whatley. Garwood, McKinney, Ingram, Page

By consent Senator Clemens presented the following report:

COMMITTEE ROOM, Austin, April 8, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir-Your committee on Finance to whom was referred

Senate bill No. 385, being "A bill to be entitled an act to amend section 9 of an act entitled an act to provide for the purchase of a site and the establishment, location, construction and maintenance of a State orphan asylum, passed at the regular session of the Twentieth Legislature and approved April 4th, 1889,"

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted, CLEMENS, Chairman.

Senator Garwood moved to reconsider the vote by which the Senate refused to pass Senate bill No. 384 and asked to have that motion spread upon the journal.

Senator Frank moved to postpone pending business and take up out of

its regular order

Senate bill No. 380, being "A bill to be entitled an act to provide for the enforcement of payment against the parent county and such counties as have been wholly created from it of demands existing prior to the creation of such new counties,"

Adopted.

And bill read second time with a favorable committee report,

By consent Senator Stephens intro-

duced the following bill:

To be entitled an act to amend article 343, title 17, chapter 1 of the revised civil statutes of Texas relating to cities of 1000 inhabitants or over.

Read first time and referred to committee on Incorporated Cities and Towns.

The pending bill was ordered en-

grossed.

Senator Frank moved to suspend the constitutional rule requiring bills to be read on three several days and that the bill pass to a third reading and final passage.

Adopted by the following vote:

YEAS-21.

Mott, Atlee. Garwood, Glasscock, Page, Burney, Potter, Carter, I gram. Kearby, Clemens, Simkins, Kimbrough, Stephens Maetze, Cranford. Townsend. McKinney. Whatley. Frank, NAYS-1.

Bill read third time.

Senator Frank offered the following amendment:

Amend line 2 by striking out the

words "section 1" and insert the words 1887, to authorize cities and towns to "section 1" in line 1.

 ${f A}$ dopted.

vote:

YRAS-9. Burney. Glassonck, Potter. Sim tine. Ingram Clemens, Step lens. Frauk. Maetze. NAYS-16. Page, Kearby, Atlee, Kimbrongh, Seule, Clark, Sima, Crane, Lubble Ck. Townsend, M. Kinney. Crantord, W hatley Mott. Carwood. Johnson,

HOUSE BILLS REFERRED.

House bill No. 90. Entitled an Act to am-nd article 523, chapter 7, title 15 of the penal code of the State of Texas as amended by act approved February 25, 1887

Read first time and referred to Ju-

diciary committee No 2.

House bill No. 538, Entitled an Act to provide for the issuance and delivery of patents to land, when the legal fee has once been deposited, though since lost by defalcation.

Read first time and referred to com-

mittee on Land office.

Senator Cranford called up the fol-

lowing concurrent resolution:

Resolved. By the Senate, the House concurring: That the present Legislature do adjourn sine die on Monday, the 6th day of April, 1891, at 4 o'clock p. m.

Senator Cranford offered the following amendment: Amend by striking out the word "sixth" and inserting the

word "thirteenth."

Senator Page offered the following amendment: Amend by striking out 'sixth" and inserting "fifteenth."

Senator Glasscock made the point of order that the time having passed to which the resolution referred it could not now be taken up and amended, which was sustained by the chair.

The following privileged reports were presented:

COMMITTEE ROOM,

Au-tin, April 8, 1891. Hon Geo. C. Pendleton, President of

the S-nate: Sir—Your committee on Enrolled

Bills have carefully examined and

compared

Senate bill No. 316, being an act to amend an act entitled "An act to amend ar icle 425c, chapter 55. of the Revised Civil Statutes of the State of Texas, as passed by the Twentieth Legislature of the State of Texas.

levy and collect taxes for the construction of public buildings, water The bill was lost by the following works, sewers, improvements of roads and bridges, streets and other permanent improvements, to issue bonds therefor and to repeal all laws in conflict therewith, and declaring an emergency,

And find the same correctly enrolled, and have this day, at 12:30 p. m., presented the same to the Gov-

ernor for his signature.

SEALE, Acting Chairman. COMMITTER ROOM, Austin, April 8, 1891.

Hon. George C. Pendleton, President

of the Senate:

Sir-Your committee on Enrolled Bills have carefully examined and

сошрагеd

Senate bill No. 2, being "An act to empower the state board of education to procure for use in the public free schools of the state of Texas a series of text books defining the duties of certain officers therein named with reference thereto, making appropriations therefor, defining certain misdemeanors, providing penalties for the violation of the provisions of this act and declaring an emergency,

And find the same correctly enrolled, and have this day, at 12:30 o'clock p. m. presented the same to the Governor

for his signature.

SEALE, Acting Chairman. COMMITTER ROOM. Austin, April 8, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir-Your committee on Enrolled bills have carefully examined and compared Senate substitute bill. No. 157, being "An act to amend article 1054,

chapter 2, title 15 of the code of criminal procedure as amended by an act of the Twenty-first legislature, approved April 4, 1889.

And find the same correctly en-rolled, and have this day, at 12:30 p. m., presented the same to the Governor for his approval.

SEALE, Acting Chairman.

Senator Garwood called up the motion to reconsider the vote by which the Sonate refused to pass Senate bill No. 384.

The motion to reconsider prevailed. Senator Carter offered the following

amendment:

"Amend the bill by adding to the body of the bill the following: "that this act shall not apply to the counapproved March 23, ties of Tarrant, Wise, Parker, Jack,

Ellis, Hill, Johnson, Galveston, Wilson, Brazos, Robertson, Smith, Wood. Gregg, Upshur, Rains, Red River, Fannin, Lamar, Anderson, Cherokee, Henderson and Van Zandt."

Senator Townsend offered the following amendment to the amend-

ment:

Amend the amendment by adding to the list of counties exempted from the provisions of this bill, "Colorado, Wharton, Gonzales Lavaca."

Senator Carter offered the following

resolution:

RESOLUTION OF THE SENATE OF TEXAS.

The President of the Whereas, United States will soon visit this state,

Whereas, We desire that he be invited to become the guest of the state of Texas and invited to visit our capi-

Therefore, The governor be and he is hereby requested in the name of the state of Texas to invite the president of the United States to visit the capitol of the state of Texas and become our guest.

Adopted.

On motion of Senator Kimbrough the Senate adjourned to 3 p. m. today.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present. The following senators answering to their names:

PRESENT-23. Mott, Burney, Glasscock. Carter, Iugram, Page, Clark, Johnson. Potter. Kearby, Clemens, Sims. Kimbrough, Stephens. Crane, Cranford, Townsend. Lubbock. Whatley. Frank Maetze. Garwood, McKinney,

ABSENT--6. Atlee, Seale.

Tyler. Weisiger The following committee reports were presented:

> COMMITTEE ROOM, Austin, April 8, 1891.

Hon. George C. Pendleton, President

of the Senate, Sir—Your committee on Engrossed Bills have carefully examined and

compared
Senate bill No. 261, being 'An act to amend article 704 of the Revised Statutes of Texas so as to authorize the holding of the terins of the district, county and county commission.

ers courts at places other than the court house when repairing, etc., of the court house is being done.

And find the same correctly engrossed. CARTER,

> Chairman. COMMITTEE ROOM, Austin, April 8, 1891.

Hon. George C. Pendleton, President

of the Senate. Sir—Your committee on Engrossed Bills have carefully examined and compared

Senate bill No. 382, being "An act for the better preservation of land titles,' And find the same correctly en-

grossed.

CARTER, Chairman.

Senator Carter moved to postpone pending business and take up Senate bill, No. 261, entitled An act to amend article 704 of the Revised Statutes of Texas, so as to authorize the holding of the terms of the District, County and County Commissioners courts at other than the court house. when repairing, etc., of the court house is being done.

Adopted.

Senator Carter moved to reconsider the vote engrossing the bill.

Adoptěd.

Senator Carter offered the following amendment:

Amend by adding in section 2, the following after the word "exists:" "for the suspension of the constitutional rule requiring bills to be read on three several days and it is so enacted and"

Adopted.

The bill was ordered engrossed.

Senaeor Carter moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill pass to a third reading and fit al passage.

Adopted by the following vote:

YEAS-24. Atl**e**e, Garwood, McKinney. Glasscock, Mett, Burney, Carter, Ingram, Page, Clark, Johnson, Potter, Cl-mens, Kearby, Sims, Kimbrough, Stephens, Crane, Townsend. Lubbock. Cranford. Whatley, Frank. Maetze, NAYS-None.

Bill read third time and passed by the following vote:

ykas—21. Frank, Maetze. Atlee, Mott. Garwood. Burney, Carter, Glasscock, Page, Potter, Ingram, Clark.

Clemens. Johnson, 8ims. Crane. Kimbrough, Stephens, Crauford. Whatley. Lubbock. NATS-3.

McKinney, Townsend. Kearby, Senator Cranford offered the follow-

ing resolution;

Resolved by the Senate, the House of Representatives concurring, that present session of Legislature do adjourn sine die on Monday, the 13th day of April, 1891, at 4 o'clock p. m.

Senator Page offered the following amendment: Strike out "13th" and insert "15th."

Senator Kearby offered the folowing substitute:

Amend by striking out "13th" and in

lieu thereof insert "11th." Senator Burney moved to lay all the resolutions on the table subject to

call.

Lost by the following vote:

YEAS-10. Frank, Atlee, Maetze. Burney, Glasscock, Page, Carter, Kimbrough, Stephens. Clemens,

NAYS-15. Clark, Johnson, Potter, Crane, Kearby. Seale, Cranford, Lubbock, Sims, McKinney, Garwood, Townsend, Mott, Ingram, Whatley.

The substitute of Senator Kearby was lost by the following vote:

YEAS-11.Cranford, A‡lee, Lubbock, Burney, Garwood, Sims, Johnson, Carter, Stephens, Clemens, Kearby, NAYS-14.

Clark. Kimbrough, Potter, Crane, Seale, Maetze, Frank, McKinney, Townsend, Glasscock. Mott, Whatley. Page. Ingram,

Senator Carter offered the following substitute: Amend by substituting the 20th for the 13th.

Lost.

The amendment of Senator Page was lost.

The resolution was adopted by the following vote:

YFAS-17. Atlee, Johnson, Potter, Clark, Kearby, Seale, Clemens, Sims, Lubbock, Crane, McKinney, Stephens, Cranford, Mott, Weisiger. Garwood, Page, NAYS--8. Burney, Glasscock, Maetze.

Carter. Ingram. Townsend. Frank. Kimbrough, REGULAR ORDER.

Senate bill No 384, entitled An act to amend article 421, title 17, chapter 4 of the Revised Civil Statutes as amended by the Twenty-first legislature, approved April 3, 1889, on third reading.

Question recurred to the amendment of Senator Carter as amended by Senator Townsend, the latter amendment being accepted by Sena-

tor Carter.

The amendment as amended was Lost by the following vote:

YEAS-7. Johnson, Carter, M Kinney, Clark, Kearby. Mott. Crane. NA VS-18.

Atlee, Glasscock, Page, Burney, Harrison, Potter, Cl. mens lig am, Seale, Crauford. Si ma, Stephens, Kim rough. Lubbock, Frank, Whatley. Garwood, Maetze,

Senator Potter offered the following amendment:

Amend by adding to end of first section the following: "But no such investment shall ever be made in anything in which such mayor or city alderman have any interest whatever; neitner shall it be made until the proposed investment, together with the names of the parties, the character of the securities to be invested in and the terms of the same have been duly published in a newspaper of such city for at least fifteen days next prior to the date at which such investment is proposed to be made, and then only at a regular meeting of such city council.

Adopted.

Senator Carter moved the previous question on the amendment and the bill, which was ordered

Senator Crane moved a call of the Senate on the bill which was ordered.

The following Senators answered to their names:

PRESENT-25. Atlee, Glasscock, McKinney, Mott, Burney, Harrison, Carter, Ingram, Page, Clark, Johnson, Potter, Clemens. Kearby, Seale, Kimbrough, Sims, Crane, Cranford, Lubbock, Stephens, Frank, Whatley, Meatze, Garwood,

ABSENT-3.

Simkins. Weisiger. Townsend,

On motion of Senator Flank the Senate went into executive session,

IN SENATE.

Senator Carter moved to adjourn to 10 o'clock to-morrow.

Lost by the following vote:

YE S--12.

Kearby, Carter, Seale, McKinney, Clark, Simkins, Townsend, Mott, Crane, Harrison, Whatley. Page,

NAYS--14.

Atlee, Glasscock, Maetze. Potter, Clemens, Ingram, Crauford, Johnson, Sims. Frank, Kimbrough, Stephens.

Garwood, Lubbock, recurred to adoption of Question

amendment by Senator Potter to Senate bill. No. 384. Adopted by the fol-

lowing vote:

YEAS-21. Johnson. Page, Atlee, Kearby, Potter. Carter. Kimbrough, Seale, Clemens, Crane, Lubbock, Simkins, Sims, Frank. Maetze. McKinney, Stephens, Garwood. Harrison, Mott. Whatley,

NAYS-4. Clark. Ingram, Townsend,

Glasscock.

The chair announced that Hon. D. B. Culberson would address the legis lature and the public in the hall of the House of Representatives tomorrow evening.

The following message was received

from the House:

House of Representatives, TWENTY SECOND LEGISLATURE, Austin, Tex., April 8, 1891.)

Hon. Geo. C. Pendleton, President of

the Senate:

Sir-I am instructed to inform the Senate that the House has passed Substitute House bill 54 and 54, Au act to amend article 1272, chapter 9, title 29 of the Revised Civil Statutes of the state of Texas.

SAM H. DIXON, Chief Clerk House of Representatives. The bill passed by the following vote:

YEAS-- 15. Garwood, Atlee. Page, Glasscock, Potrer, Carter, Harrison. Finns, Clemens. Cranford, Kimbrough, Stephens, Frank, Townsend. Maetze,

NAYS-11. Clark, Seale. Kearby. Simpkins, Crane, Lubbock. McKinney, Whatley, Ingram, Johnson, Mott.

The chair gave notice of signing and

signed in presence of the Senate, after

their titles had been read.

House bill No. 106, entitled An act to provide for the issuance of certificates to teachers in the public schools of Texas and prescribing their duties as such

Also House bill No. 461, entitled An act for the protection of the wool growing interests of the state of Texas and to repeal chapter 54 of the acts of the Eighteenth Legislature, approved April 4, 1883, and chapter 14 of the acts of the Nineteenth Legislature,

approved February 20, 1885.

Also Substitute House bill No. 136, entitled An act making abstracts of land titles or land title abstract books to lands in this state compiled from the records of any county in this state, prior to the year 1887, which said records were partially or wholly destroyed or lost from any cause during the month of March, 1876, competent prima facie evidence of the truth of the data or memoranda shown by such abstracts of land titles or land title abstract books, subject to certain conditious.

The chair referred Substitute House bill Nos. 34 and 54, entitled An act to amend article 1272, chapter 9, title 29 of the revised civil statutes of the state of Texas, after being read first time, to

Judiciary Committee No. 1.

Senator Carter moved to reconsider the vote by which Senate bill No. 384 had pas-ed.

Senator Johnson moved to lay that

motion on the table.

Senator Carter moved to adjourn to 10 a. m. tomorrow.

Lost by the following vote:

YEAS-7, Kearby, Carter. Mott, Crane, McKinney, Townsend, Glasscock, NAYS-17.

Atlee. Ingram, Potter, Clemens, Johnson, Seale. Cranford, Kimbrough, Simpkins, Frank, Lubbock, Siшs, Garwood, Maetze, Stephens. Harrison. Page,

The motion to table prevailed by the tollowing vote:

YEAS--15. Page, Glasscock, Atlee, Clemens, Potter. Harrison. Crantord. Johnson, Simkins. Kimbrough, Sims, Frauk. Stephens. Garwood. Maetze,

NAYS-9. Carter. Ingram, Seale, Townsend. Kearby, Clark, McKinney, Whatley. Crane,

Senator Clemens moved to adjourn to 10 a. m. tomorrow, upon which the following vote was taken:

YKAS-13.

Clark. Ingram. Seale. Clemens, Kimbrough, Simkins, Sims. Crane, Maetze, Whatley. Frank. Page, Glasscock,

NAYS-13.

Johnson. Atlee, Mott. Kearby, Potte r. Carter. Lubbock, Stephens, Cranford. McKinney, Townsend. Garwood.

Harrison,
There being a tie, the chair voted "ave," and the motion prevailed.

In executive session the Senate confirmed several notaries public, but the lateness of the hour made it impossible to prepare lists of the same for today's Journal.—Clerk.]

SEVENTY-SECOND DAY

SENATE CHAMBER, TWENTY-SECOND LEGISLATURE, Austin, April 9, 1891.

The Senate met pursuant to adjournment.

Lieutenant-Governor Pendleton in the chair.

Roll called.

Quorum present.

The following Senators answered to their names:

PRESENT-27. Atlee, Glas-cock. Mott, Harrison Burney, Page, Carter, Ingram. Pope, Clark. J huson.

Potter, Clemens, Kea by, Kimbrough, Seale, Sims, Lubb ck, Stephens, Cranford. Frank. Meatze, Weisiger. Garwood, Whatley. McKinney, ABSENT-

Simkins. Townsend. Tyler.

Prayer by the chaplain, Dr. Smoot. Pending the reading of the journal on motion of Senator Stephens the fur ther reading of the same was dispensed

The following reports were handed in from their respective committees:

> COMMITTEE ROOM, Austin, April 9, 1891.

Hon. Geo. C. Pendleton, President of the Senate:

Sir—Your committee on Counties and County Boundaries, to whom was referred

be entitled an act to repeal an act entitled an act to amend article 711 of the revised civil statutes, defining the boundary of Aransas county, approved March 17, 1887, and to re enact the former boundary of said county,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

> STEPHENS, Chairman. COMMITTER ROOM. Austin, April 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir-Your committee on Judicial Districts have carefully examined and compared House bill No. 634, being "An act to amend an act entitled an act to amend section 26, chapter 20, of the extra session of the Eighteenth Legislature, approved February 6,1884, being an act to redistrict the state of Texas into judicial districts and to fix the terms for holding courts therein, and to provide for the election of judges and district attorneys in said districts," approved March 5, 1889, and to create the Fifty-third judicial district and to fix the time of holding court therein and to provide for the appointment of a district judge for said Fifty third district,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Townsend, Chairman. COMMITTEE ROOM. Austin, April 9, 1891.

Hon. George C. Pendleton, President of the Senate:

Sir-Your Judiciary committee No. 1, to whom was referred

House bill No. 235, being "A bill to be entitled an act to amend chapter 4, title XCIII of the revised civil statutes for the prevention of certain animals from running in counties and subdivision of counties,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

Respectfully submitted, Popk, Chairman.

BILLS AND RESOLUTIONS.

By Senator Mott:

Concurrent resolution as follows:

Whereas the oyster industry of Texas has grown to be one of great public importance and benefit requiring judicious legislation, and

Whereas, for the purposes of such House bill No. 43, being "A bill to legislation it is desirable that reliable